

Exhibit 14

Redacted Portion
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IAN MOORE

C O N F I D E N T I A L

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

Case No: 1:22cv6206

PIONEER BUSINESS SERVICES, LLC d/b/a
FOUR CORNERS AVIATION SERVICES,

Plaintiff,

v.

VISTAJET US, INC.,

Defendant.

Deposition of IAN MOORE, taken by AILSA WILLIAMS,
Certified Court Reporter, at the offices of
Stephenson Harwood, London, United Kingdom, on 8
December, 2022 at 9:43 a.m.

Job No. 219381

1 IAN MOORE

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3 Having been sworn,
4 testified as follows:

5 DIRECT EXAMINATION BY MR. HAVALES:

6 MR. HAVALES: Good morning, Mr. Moore.

7 As you heard a moment ago my name is Peter
8 Havales. I am one of the attorneys for the
9 plaintiff, which I will refer to simply as FCA
10 throughout the course of the deposition today.

11 Some basic pieces of guidelines for us
12 to get going. First, our court reporter is the
13 most important person in this room, so we need to
14 make sure, to the best extent possible, that we
15 don't speak over each other. I will try to make
16 sure you are done with your answer, and if you
17 make sure I am done with my question before we
18 speak, it will make Ailsa's job a whole lot
19 easier.

20 Secondly, I will be from time to time
21 giving you documents, so you should take your
22 time, be comfortable with them, before you answer
23 any questions. My practice would be to give it to
24 you, ask you to look at it, and once you advise me
25 that you have finished looking at it I will begin

1 IAN MOORE

2 as our next exhibit, Exhibit 21, an email from you
3 to Mr. Deiana, dated the 24th, and it bears Bates
4 numbers VJ1927 through 1946.

5 (Exhibit 21 marked for identification)

6 You will see first, on the 24th, Mr.
7 Deiana had forwarded you an email that he received
8 from Ms. Kennedy, which we reviewed earlier, and
9 then you sent to him an email saying "This has
10 just been sent to us in the last 24 hours". Is
11 there a reason you sent the brochure on to Mr.
12 Deiana?

13 A To reaffirm his stance as to why we
14 don't want to do this type of transaction.

15 Q You then say, in a different color
16 ink in the email:

17 "If this gets to Thomas, which it will,
18 then the entire relationship is ruined."

19 When it is referring to "entire
20 relationship", is that referring to the
21 relationship with SoftBank?

22 A If I remember correctly at the time,
23 I think I would be referring to that, yes. To be
24 honest with you, I think the word "relationship"
25 is probably -- I would say the entire transaction

1 IAN MOORE

2 is ruined, not necessarily relationship. I was
3 angry at this point.

4 Q Okay. Let me show you a
5 reproduction of -- I can't tell if it is text
6 messages or WhatsApp messages from the way it is
7 produced, but it purports to be an exchange with
8 Mr. Flohr. It doesn't have a date but it says
9 13:22 at the very top for the timeframe?

10 A It has a date at the top.

11 Q It does. It has on the email on the
12 first picture, first text message. I apologize.
13 June 24. VJ8994 through 8998. You can take a
14 moment to look at that and I will ask you some
15 questions.

16 As he does that, Mr. Franco, I will
17 remind you of the letter I sent to you the day
18 after Thanksgiving about the obligation to produce
19 the electronic form of the text messages, as
20 required under the ESI protocol, as opposed to
21 just screenshots of text?

22 MR. FRANCO: We are looking into that,
23 yes. We will get back to you.

24 MR. HAVALES: Thank you. Soon I hope.

25 (Exhibit 22 marked for identification)

1 IAN MOORE

2 Let me know when you have finished going
3 through and then we will walk through them
4 together.

5 A No, I know it very well.

6 Q I understand that, but it is always
7 good to make sure you have looked at it. Let's
8 start on page 1 then, since this one, unlike the
9 emails, is in a chronological sequence from top to
10 bottom. Is the first email or the first text --
11 let me ask first -- is this using text, WhatsApp
12 or some other mode of communication here?

13 A It is WhatsApp.

14 Q On Friday, June 24, you send a
15 WhatsApp message with a copy of the brochure,
16 correct?

17 A Correct.

18 Q And below that you say:

19 "Just got this. This is who SB sold
20 Marcelo's hours to. Strictly in the contract they
21 COULD NOT do this. We were told it was for A
22 select few of the Four Corners client base."

23 Those three messages -- continuing:

24 "Now this is being sent around. I have
25 legal on it. We may be able to strike this as a

IAN MOORE

breach and keep the cash."

Are those six balloons that I just read messages by you?

A Correct.

Q And when you say "Strictly in the contract they COULD NOT do this", at the time that you sent this WhatsApp message to Mr. Flohr, had you yourself personally reviewed the Addendum to the Assignment in the Program Agreement that talked about what FCA could and could not do?

A No, I did not. It was the spirit I was talking about.

Q In the next balloon it says:

"We were told it was for a select few of the Four Corners client base."

Is that based on what Ms. Qi related to you back some time in March of 2022?

MR. FRANCO: Objection.

A And my legal counsel at the time, so between --

MR. FRANCO: Wait. Do not disclose anything that your counsel told you.

MR. HAVALES: Was your counsel on that phone call with someone from FCA, where she just

1 IAN MOORE

2 A It was not, no.

3 Q And I am correct, just to reconfirm,
4 so I don't draw any incorrect conclusions, you
5 don't recall reviewing either this document or the
6 original counterclaim filed in August at any time,
7 correct?

8 A Not in great detail, no.

9 Q Do you recall if you reviewed it at
10 all, whether it is superficially or otherwise,
11 prior to yesterday?

12 A No.

13 Q Are you aware of any documents or
14 conversations indicating that third parties were
15 confused by the brochure and thought that FCA was
16 affiliating with or a part of VistaJet?

17 A I know of third parties
18 understanding that we had a partnership with Four
19 Corners.

20 Q And when you say third parties who
21 thought there was a partnership, who were those
22 third parties?

23 A They were clients.

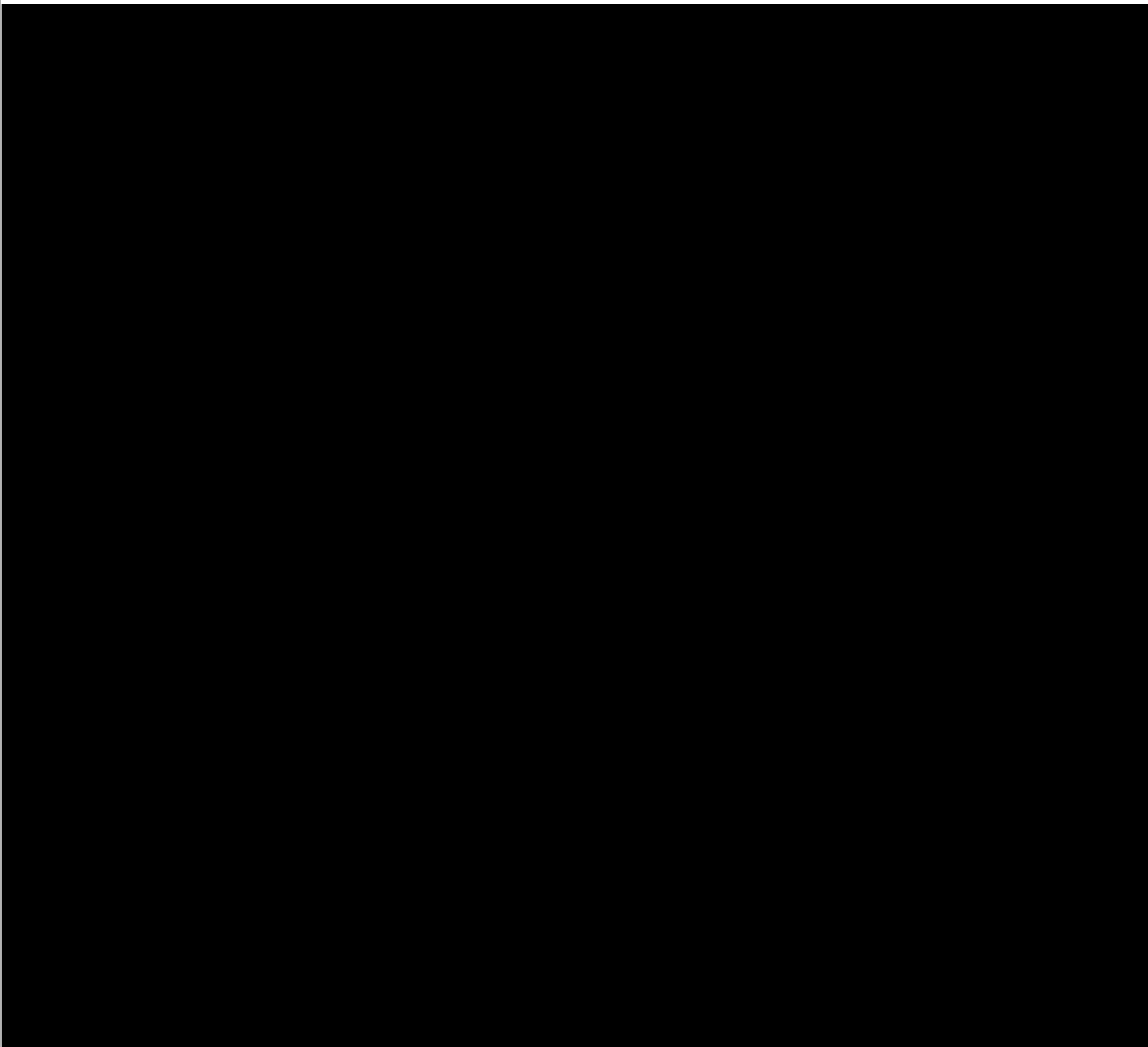
24 Q Could you give me their names
25 please?

1 IAN MOORE

2 Do I have to give the names?

3 MR. HAVALES: We can designate it as
4 confidential.

5 MR. FRANCO: Let's just do that now. I
6 can do it later but I just designate this portion
7 of your testimony as confidential.



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IAN MOORE

12 A And that they had been approached.
13 It had been angled -- it would be Vista but
14 cheaper, and they actually said they had no
15 intention of doing the deal, but they wanted to
16 let us know.

17 Q Did that individual say whether he
18 had received a copy of the brochure?

19 A I don't recall.

20 Q Did that individual say who had
21 approached him about the hours being offered by
22 FCA?

23 A He didn't want to go into any
24 further details. I knew exactly what he was
25 talking about. I said "that won't be available"

IAN MOORE

and he said "okay".

Q I was just asking about what he did and did not say. You said there were at least three. What is the second instance of which you were aware?

A To be honest with you that is the more specific one. The other ones would have been through hearsay, would have been through what I was told, that there was multiple brokers, et cetera, et cetera.

Q What you were told by other VistaJet employees?

A Correct. This one was directly from me.

Q With the others, what you were told by other VistaJet employees, did any of them identify the name of any parties to you who had expressed they were confused?

A No, it was more of a general term of multiple brokers.

Q And the general term was that multiple brokers were offering the hours or had received the brochure and were offering the hours on behalf of FCA.

1 IAN MOORE

2 MR. FRANCO: Objection.

3 A It was not defined. It was just
4 that people were aware of a partnership that had
5 not been agreed upon.

6 Q Did your colleagues at VistaJet,
7 when sharing this informing with you, use the word
8 "partnership"?

9 A Correct, yes, they used the word
10 that there was a partnership and has this been
11 approved by us?

15 A No, I can't recall.

18 you described it, from individuals at VistaJet,
19 are you aware of any other customers or clients or
20 potential customers of VistaJet who expressed
21 confusion, as a result of the brochure?

22 A I was not aware of all my sales
23 team, who they were speaking to. All I know is
24 that we had both David Lawrence and Steve
25 Malvesta, the two people on that email, had talked

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